

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

UNITED STATES DISTRICT COURT

2005 SEP -8 PM 4: 33

SOUTHERN DISTRICT OF GEORGIA

CLERK

SAVANNAH DIVISION

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UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. 05-38M

EMORY LINHART LARISCY,)

Defendant.)

ORDER FOR PSYCHIATRIC EXAMINATION

Defendant's counsel has moved this Court for a psychiatric examination of the defendant on the ground that there is reasonable cause to suspect the mental competency of the defendant and his ability to understand the proceedings against him or to properly assist in the defense of the charges pending in the above complaint. Questions have also arisen about defendant's mental responsibility at the time of the offense. The Court is satisfied that there is reasonable cause to suspect the mental competency of the defendant. 18 U.S.C. § 4241(a).

IT IS ORDERED that the defendant be examined and observed in accordance with 18 U.S.C. § 4241(b) and 18 U.S.C. § 4242(a) and that a report be filed pursuant to 18 U.S.C. § 4247(b) and (c).

IT IS FURTHER ORDERED that the defendant be placed immediately in a suitable facility, to be designated by the Bureau of Prisons, for an examination to determine the mental competency of the defendant and whether he was responsible for his conduct at the time of the offense.

IT IS FURTHER ORDERED that the director and/or the treating physicians of the designated facility shall make a written report of their findings as soon as practicable to the Honorable G. R. Smith, United States Magistrate Judge, United States District Court, Southern District of Georgia, Post Office Box 9563, Savannah, Georgia 31412, to Assistant United States Attorney Frank J. DiMarino, Office of the United States Attorney, Post Office Box 8970, Savannah, Georgia 31412, and to counsel for the defendant, Harry D. Dixon, Jr., 304 East Bay Street, Savannah, Georgia 31401. The designated facility shall state its opinion as to the following questions:

1. Whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. § 4241(a).

2. Whether the defendant was insane at the time of the offense charged. 18 U.S.C. § 4242(a); 18 U.S.C. § 17.

IT IS FURTHER ORDERED that the examiner's report shall include the pertinent information required by 18 U.S.C. § 4247(c).

SO ORDERED this 8TH day of September, 2005.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA